

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Magseis FF LLC and
Fairfield Industries Incorporated d/b/a
Fairfield Geotechnologies

Plaintiffs,

VS.

Case No. 4:17-cv-01458

Seabed Geosolutions (US) Inc. and
Seabed Geosolutions B.V.,

JURY TRIAL DEMANDED

Defendants.

JOINT STATUS REPORT

The parties jointly file this Status Report in accordance with the Court’s Order of January 16, 2019 (Dkt. 115). The outcomes of *inter partes* review (“IPR”) proceedings related to three of the four asserted patents in this case (specifically, U.S. Patent Nos. 8,228,761, 8,879,362, and RE45,268) are the subject of ongoing appeals before the Court of Appeals for the Federal Circuit. Briefing has closed with respect to all three appeals. Appeal Nos. 2020-1346 and 2020-1348 relating to U.S. Patent Nos. 8,228,761 and 8,879,362 have been consolidated, and Appeal No. 2020-1237 relating to U.S. Patent No. RE45,268 has been placed in the Federal Circuit’s mandatory mediation program.

On November 17, 2020, the parties participated in remote mediation in Appeal No. 2020-1237. However, they were unable to reach an agreement that would resolve their disputes. The parties subsequently submitted their respective opening briefs in each of the appeals on December 2, 2020, and submitted their response briefs on January 11, 2021. Seabed filed its

reply brief in Appeal No. 2020-1237 on February 8, 2021, and oral argument was held in that appeal on July 9, 2021. No opinion has been issued as of the date of this status report.

With respect to Appeal Nos. 2020-1346 and 2020-1348, the United States Patent and Trademark Office (“USPTO”) filed a Notice of Intervention on February 1, 2021. The USPTO subsequently filed a Brief of Intervenor on March 15, 2021, and Magseis filed its reply brief on April 5, 2021. Oral argument in Appeal Nos. 2020-1346 and 2020-1348 was originally scheduled for July 9, 2021. However, on June 23, 2021, the Federal Circuit ordered supplemental briefing from the parties in view of the Supreme Court’s decision in *United States v. Arthrex, Inc.*, Nos. 19-1434 et al., 2021 WL 2519433 (U.S. June 21, 2021), and all deadlines, including oral argument, were postponed. Magseis submitted its supplemental brief on July 7, 2021, informing the Court that it withdrew its Appointments Clause challenge to the Board’s decisions in the IPR proceedings related to U.S. Patent Nos. 8,228,761 and 8,879,362. Seabed’s response brief is due on July 21, 2021. Oral argument has yet to be rescheduled in Appeal Nos. 2020-1346 and 2020-1348.

Dated: July 15, 2021

/s/ Ruben J. Rodrigues

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Dated: July 15, 2021

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above document, JOINT STATUS REPORT was served on July 15, 2021, on all counsel of record via the Court's Electronic Filing System.

/s/ Ruben J. Rodrigues
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